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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/040,798 03/18/98 KELLER

V P5550

EXAMINER

QM32/1105

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ART UNIT

PAPER NUMBER

DATE MAILED:

11/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/040,798**

Applicant(s)  
**Keller et al.**

Examiner  
**Steven Wong**

Group Art Unit  
**3711**



☒ Responsive to communication(s) filed on Sep 13, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-44 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-44 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Drawings***

1. The amendments to the drawings have overcome the objections thereto.

***Specification***

2. The amendments to the specification have not been entered. The first amendment to page 9, line 29 is unclear as element 89 is not seen in the Figures. Further, deletion of numeral "84" is unclear as it appears that 84 is a line which circulates the isocyanate through the heat exchanger 82.

The second amendment has not been entered as numeral "128" is not seen on page 10, line 11.

***Claim Rejections - 35 USC § 112***

3. The amendments and remarks to the claims have overcome the rejections under 35 U.S.C. 112 set forth in Paper No. 6.

***Claim Rejections - 35 USC § 103***

4. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melvin et al. (562) or Cavallaro et al. (923), each in view of Molitor et al. (322). The latter reference renders it obvious to mold the polyurethane layers of the primary reference golf balls by a reaction injection molding process, since such is an obvious expedient for providing the desired resiliency in a golf

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ball, as illustrated by the secondary reference. Any other possible distinctions over said thus modified golf balls are deemed conventional molding techniques that would necessarily be used in such molding process.

***Response to Arguments***

5. Applicant's arguments filed September 13, 1999 have been fully considered but they are not persuasive. Regarding the statement that Molitor does not disclose the reaction injection molding process for golf balls, the rejection is over the combination of Melvin et al. or Cavallaro et al., each in view of Molitor et al. Melvin et al. and Cavallaro et al. teach golf ball constructions having polyurethane outer covers, however, they lack the teaching for forming the covers by a reaction injection molding process. It would have been obvious to one of ordinary skill in the art to form the outer polyurethane covers of Melvin et al. and Cavallaro et al. by reaction injection molding method in order to take advantage of the known benefits of the method. Note column 3, lines 12-23 of Molitor et al. which detail these advantages (i.e. low density, high strength to weight ratio).

6. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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7. The applicant's arguments that one of ordinary skill would not be led from the golf ball art to utilize a method which is known in golf club heads is not persuasive. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all references are directed to sports articles which utilize polyurethane outer covers. Also, the sports articles are subjected to severe impacting wherein a high strength to weight ratio would be a desirable quality for the articles. Attention is also directed to column 14, lines 36-47 of Cavallaro et al. and column 18, lines 59-63 of Melvin et al. which state that the outer layer may be injection or compression molded. Thus, it would have been obvious to one of ordinary skill in the art to utilize reaction injection molding instead of injection molding to form the outer polyurethane layer of either Cavallaro et al. or Melvin et al. for the reasons advanced by Molitor et al.

Attention is directed to column 5, lines 18-21 of Molitor et al. which specifically states that reaction injection molding is a well known technique. The applicant is requested to note that the specific characteristics of the method and the product obtained therefrom have been considered to be obvious given the statement by Molitor et al. that RIM is a well known method and lacking a showing of the characteristics criticality by a new and unexpected result.

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*Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

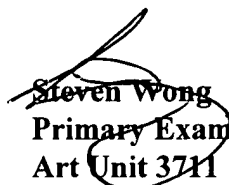
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is (703) 308-3135.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Official responses, subject to the provisions of 37 C.F.R. 1.6(d), can be faxed to (703) 305-3579.

Unofficial faxes which are meant for discussion purposes only should be sent to (703) 308-7768. It is strongly suggested that the examiner be contacted directly before sending any unofficial fax.

  
Steven Wong  
Primary Examiner  
Art Unit 3711

SBW  
November 2, 1999